

## SENATE BILL NO. 237

INTRODUCED BY M. COLE, SOMERVILLE, WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT; EXPANDING THE PURPOSES OF THE AGREEMENT; DEFINING "COOPERATING COMMITTEE"; REQUIRING EACH PARTICIPATING JURISDICTION TO HAVE TWO DESIGNATED REPRESENTATIVES; MANDATING WHO SHALL SERVE AS MONTANA'S DESIGNATED REPRESENTATIVES; EXPANDING THE POWERS OF THE COOPERATING COMMITTEE; CLARIFYING THE VOTING PROCEDURES OF THE COOPERATING COMMITTEE; REVISING THE OBJECTIVES OF THE PARTICIPATING JURISDICTIONS; ELIMINATING OBSOLETE REFERENCES; AND AMENDING SECTION 61-10-1101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 61-10-1101, MCA, is amended to read:

**"61-10-1101. Multistate Highway Transportation Agreement -- enactment and text.** The Multistate Highway Transportation Agreement is hereby enacted into law and entered into with all other jurisdictions legally joining ~~therein~~ in the agreement in the form substantially as follows:

## MULTISTATE HIGHWAY TRANSPORTATION AGREEMENT

Pursuant to and in conformity with the laws of their respective jurisdictions, the participating jurisdictions, acting by and through their officials lawfully authorized to execute this agreement, do mutually agree as follows:

## Article I. Findings and Purposes

Section 1. Findings. The participating jurisdictions find that:

- (a) the expanding regional economy depends on expanding transportation capacity;
- (b) highway transportation is the major mode for movement of people and goods in the western states;
- (c) uniform application in the West of more adequate vehicle size and weight standards will result in a reduction of pollution, congestion, fuel consumption, and related transportation costs, which are necessary to permit increased productivity;

(d) a number of western states, already having adopted substantially the 1964 bureau of public roads recommended vehicle size and weight standards, still find current federal limits more restrictive; and

~~(e) the 1974 revision of federal law (23 U.S.C. 127) did not contain any substantial improvements for vehicle size and weight standards in the western states and deprives states of interstate matching money if vehicle weights and widths are increased, even though the interstate system is nearly 92% complete; and~~

~~(f) the participating jurisdictions are most capable of developing vehicle size and weight standards most appropriate for the regional economy and transportation requirements, consistent with and in recognition of principles of highway safety.~~

Section 2. Purposes. The purposes of this agreement are to:

(a) adhere to the principle that each participating jurisdiction should have the freedom to develop vehicle size and weight standards that it determines to be most appropriate to its economy and highway system;

(b) establish a system authorizing the operation of vehicles traveling between two or more participating jurisdictions at more adequate size and weight standards;

(c) promote uniformity among participating jurisdictions in vehicle size and weight standards on the basis of the objectives set forth in this agreement;

(d) secure uniformity, insofar as possible, of administrative procedures in the enforcement of recommended vehicle size and weight standards;

(e) provide means for the encouragement and utilization of research that will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in section 1 of this article; and

(f) facilitate communication between legislators, state transportation administrators, and commercial industry representatives in addressing the emerging highway transportation issues in participating jurisdictions.

## Article II. Definitions

Section 1. As used in this agreement:

(a) "cooperating committee" means a committee composed of the designated representatives from the participating jurisdictions;

(b) "designated representative" means a legislator or other person authorized under Article XII to

1 represent the jurisdiction;

2 ~~(b)~~(c) "jurisdiction" means a state of the United States or the District of Columbia;

3 ~~(e)~~(d) "vehicle" means any vehicle ~~as~~ defined by statute ~~to be~~ as subject to size and weight  
4 standards that operates in two or more participating jurisdictions.

5 Article III. General Provisions

6 Section 1. Qualifications for membership. Participation in this agreement is open to jurisdictions  
7 that subscribe to the findings, purposes, and objectives of this agreement and will seek legislation  
8 necessary to accomplish these objectives.

9 Section 2. Cooperation. The participating jurisdictions, working through their designated  
10 representatives, shall cooperate and assist each other in achieving the desired goals of this agreement  
11 pursuant to appropriate statutory authority.

12 Section 3. Effect of headings. Article and section headings contained ~~herein~~ in this agreement may  
13 not be considered to govern, limit, modify, or in any manner affect the scope, meaning, or intent of the  
14 provisions of any article or section ~~hereof~~ of the agreement.

15 Section 4. Vehicle laws and regulations. This agreement does not authorize the operation of a  
16 vehicle in any participating jurisdiction contrary to the laws or regulations ~~thereof~~ of the jurisdiction.

17 Section 5. Interpretation. The final decision regarding interpretation of questions at issue relating  
18 to this agreement ~~shall~~ must be reached by unanimous joint action of the participating jurisdictions, acting  
19 through the designated representatives. Results of all ~~such~~ actions ~~shall~~ must be placed in writing.

20 Section 6. Amendment. This agreement may be amended by unanimous joint action of the  
21 participating jurisdictions, acting through the officials ~~thereof~~ of the jurisdictions authorized to enter into  
22 this agreement, subject to the requirements of section 4, Article III. Any amendment ~~shall~~ must be placed  
23 in writing and become a part ~~hereof~~ of the agreement.

24 Section 7. Restrictions, conditions, or limitations. Any jurisdiction entering this agreement shall  
25 provide each other participating jurisdiction with a list of any restriction, condition, or limitation on the  
26 general terms of this agreement, if any.

27 Section 8. Additional jurisdictions. Additional jurisdictions may become members of this agreement  
28 by signing and accepting the terms of the agreement.

29 Article IV. Cooperating Committee

30 Section 1. Each participating jurisdiction must have two designated representatives. Pursuant to

section 2, Article III, the designated representatives of the participating jurisdictions ~~shall constitute a~~ the  
cooperating committee that shall have the power to may:

(a) collect, correlate, analyze, and evaluate information resulting or derivable from research and  
testing activities in relation to vehicle size and weight related matters;

(b) recommend and encourage the undertaking of research and testing in any aspect of vehicle  
size and weight or related matter when, in their collective judgment, appropriate or sufficient research or  
testing has not been undertaken;

(c) recommend changes in law or policy with emphasis on compatibility of laws and uniformity  
of administrative rules that would promote effective governmental action or coordination in the field of  
vehicle size and weight related matters;

(d) recommend improvements in highway operations, in vehicular safety, and in state  
administration of highway transportation laws; and

(e) perform functions necessary to facilitate the purposes of this agreement.

Section 2. Each designated representative of a participating jurisdiction ~~shall be~~ is entitled to one  
vote only. ~~No~~ An action of the committee ~~shall~~ may not be binding approved unless a majority of the total  
number of votes cast by the designated representatives of the participating jurisdictions are in favor  
~~thereof~~ of the action.

Section 3. The committee shall meet at least once annually and shall elect, from among its  
members, a ~~chairman~~ presiding officer, a ~~vice-chairman~~ vice presiding officer, and a secretary.

Section 4. The committee shall submit annually to the legislature of each participating jurisdiction;  
~~no later than November 1,~~ a report setting forth the work of the committee during the preceding year and  
including recommendations developed by the committee. The committee may submit ~~such~~ additional  
reports as it considers appropriate or desirable. ~~Copies of all such reports shall be made available to the  
transportation committee of the western conference, council of state governments, and to the western  
association of state highway and transportation officials.~~

#### Article V. Objectives of the Participating Jurisdictions

Section 1. Objectives. The participating jurisdictions hereby declare that:

(a) it is the objective of the participating jurisdictions to obtain more efficient and more economical  
transportation by motor vehicles between and among the participating jurisdictions by encouraging the  
adoption of standards that will, as minimums, allow the operation on all state highways, except those

determined through engineering evaluation to be inadequate, with a single-axle weight not in excess of 20,000 pounds, a tandem-axle weight not in excess of 34,000 pounds, and a gross vehicle or combination weight not in excess of that resulting from application of the formula:

$$W = 500((LN/(N - 1)) + 12N + 36)$$

where

W = maximum weight in pounds carried on any group of two or more consecutive axles computed to nearest 500 pounds;

L = distance in feet between the extremes of any group of two or more consecutive axles;

N = number of axles in group under consideration;

(b) it is the further objective of the participating jurisdictions that ~~in the event~~ the operation of a vehicle or combination of vehicles in interstate commerce according to the provisions of subsection (a) of this section ~~would result in withholding or forfeiture of federal aid funds pursuant to section 127, Title 23, U.S. Code, the operation of such vehicle or combination of vehicles at axle and gross weights within the limits set forth in subsection (a) of this section will be authorized under special permit authority by each participating jurisdiction that could legally issue such permits prior to July 1, 1956, provided all regulations and procedures related to such issuance in effect as of July 1, 1956, are adhered to~~ for vehicle combinations in excess of statutory weight of 80,000 pounds or statutory lengths;

~~(c) the objectives of subsections (a) and (b) of this section relate to vehicles or combinations of vehicles in regular operation, and the authority of any participating jurisdiction to issue special permits for the movement of any vehicle or combinations of vehicles having dimensions and/or weights in excess of the maximum statutory limits in each participating jurisdiction will not be affected;~~

~~(d)~~ it is the further objective of the participating jurisdictions to facilitate and expedite the operation of any vehicle or combination of vehicles between and among the participating jurisdictions under the provisions of subsection (a) or (b) of this section, and to that end the participating jurisdictions hereby agree, through their designated representatives, to meet and cooperate in the consideration of vehicle size and weight related matters including but not limited to the development of uniform enforcement procedures; additional vehicle size and weight standards; operational standards; agreements or compacts to facilitate regional application and administration of vehicle size and weight standards; uniform permit procedures; uniform application forms; rules for the operation of vehicles, including equipment requirements, driver qualifications, and operating practices; and ~~such~~ other matters as may be

1 pertinent;

2 ~~(e)(d)~~ in recognition of the limited prospects of federal revision of section 127, Title 23, U.S.  
3 Code, and in order to protect participating jurisdictions against any possibility of withholding or forfeiture  
4 of federal aid highway funds, it is the further objective of the participating jurisdictions to the cooperating  
5 committee may recommend that the participating jurisdictions jointly secure congressional approval of this  
6 agreement and specifically of the vehicle size and weight standards set forth in subsection (a) of this  
7 section;

8 ~~(f)~~ in recognition of desire for a degree of national uniformity of size and weight regulations, it is  
9 the further objective to encourage development of broad, uniform size and weight standards on a national  
10 basis and further that procedures adopted under this agreement be compatible with national standards

11 (e) it is the further objective of the participating jurisdictions to:

12 (1) establish transportation laws and regulations to meet regional and economic needs and to  
13 promote an efficient, safe, and compatible transportation network;

14 (2) develop standards that facilitate the most efficient and environmentally sound operation of  
15 vehicles on highways consistent with and in recognition of principles of highway safety; and

16 (3) establish programs to increase productivity and reduce congestion, fuel consumption, and  
17 related transportation costs and enhance air quality through the uniform application of state vehicle  
18 regulations and laws.

19 Article VI. Entry Into Force and Withdrawal

20 Section 1. This agreement ~~shall enter into force~~ becomes effective when enacted into law by any  
21 two or more jurisdictions. Thereafter, this agreement ~~shall become~~ becomes effective as to any other  
22 jurisdiction upon its enactment ~~thereof of the agreement~~, except as otherwise provided in section 8, Article  
23 III.

24 Section 2. Any participating jurisdiction may withdraw from this agreement by canceling ~~the same~~  
25 ~~it~~ but ~~no such a~~ withdrawal ~~shall~~ may not take effect until 30 days after the designated representative of  
26 the withdrawing jurisdiction has given notice in writing of the withdrawal to all other participating  
27 jurisdictions.

28 Article VII. Construction and Severability

29 Section 1. This agreement ~~shall~~ must be liberally construed so as to effectuate the purposes  
30 ~~thereof of the agreement~~.

1       Section 2. The provisions of this agreement ~~shall be~~ are severable and if any phrase, clause,  
2 sentence, or provision of this agreement is declared to be contrary to the constitution of any participating  
3 jurisdiction or the applicability ~~thereto~~ of this agreement to any government, agency, person, or  
4 circumstance is held invalid, the validity of the remainder of this agreement ~~shall~~ is not be affected  
5 ~~thereby~~. If this agreement ~~shall be~~ is held contrary to the constitution of any jurisdiction participating ~~herein~~  
6 in the agreement, the agreement ~~shall remain~~ remains in full force and effect as to the jurisdictions affected  
7 as to all severable matters.

#### 8                                   Article VIII. Filing of Documents

9       Section 1. A copy of this agreement, its amendments, and rules promulgated ~~thereunder~~ under  
10 the agreement and interpretations ~~thereof shall~~ of the agreement must be filed in the highway department  
11 in each participating jurisdiction and ~~shall~~ must be made available for review by interested parties.

#### 12                                  Article IX. Existing Statutes Not Repealed

13       Section 1. All existing statutes prescribing weight and size standards and all existing statutes  
14 relating to special permits ~~shall~~ continue to be of force and effect until amended or repealed by law.

#### 15       Article X. State Government Departments Authorized to Cooperate With Cooperating Committee

16       Section 1. Within appropriations available ~~therefor~~, the departments, agencies, and officers of the  
17 government of this state shall cooperate with and assist the cooperating committee within the scope  
18 contemplated by Article IV, subsections 1(a) and 1(b) of the agreement. The departments, agencies, and  
19 officers of the government of this state are authorized generally to cooperate with ~~said~~ the cooperating  
20 committee.

#### 21                                   Article XI. Funding

22       Section 1. Funds for the administration of this agreement, including participation in the  
23 cooperating committee and the actual expenses of the designated representatives, must be budgeted by  
24 each participating jurisdiction as appropriate.

#### 25                                  Article XII. Selection of Designated Representatives

26       Section 1. The process for selecting the designated representatives to the cooperating committee  
27 must be established by law under this section.

28       Section 2. The persons authorized to represent the state of Montana as the designated  
29 representatives to the cooperating committee are the presiding officer of the senate highways and  
30 transportation committee and the presiding officer of the house transportation committee. The presiding

1 officer may appoint a designee to serve in the presiding officer's place. The designee must be a legislator  
2 or an official of the Montana department of transportation.

3 Section 3. The presiding officers of the legislative committees shall each appoint one alternate  
4 designated representative. The alternate must be a legislator or an official of the Montana department of  
5 transportation and shall serve in the absence of the presiding officer."

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